

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,
Plaintiff,
v.
MICRON TECHNOLOGY, INC.,
Defendant.

Case No. [14-cv-03657-SI](#)

ORDER RE: DISCOVERY

Re: Dkt. No. 192

The parties have filed a joint letter regarding a discovery dispute. Plaintiff MLC seeks an order compelling defendant Micron to produce by September 25, 2018, documents showing sales, revenue, cost, and profits for the accused devices during the period of alleged infringement. MLC asserts that Micron has been dilatory in producing this information and that Micron has refused to commit to a date certain for the production of these documents.

Micron opposes MLC's request, arguing that MLC failed to meet and confer with Micron before seeking assistance from the Court. Micron also states that it has not delayed in gathering the requested information and is currently in the process of doing so. Micron states that it does not, in the normal course of business, generate or maintain documents showing sales and cost information on an accused-product-specific basis, and that "Micron is an intricate company, and only certain of its employees possess the know-how to accomplish" the task of creating the information that MLC seeks. Micron asserts that a court order is not necessary, and that Micron has committed to producing certain documents by the "target date" of September 25, 2018.

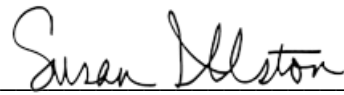
The Court finds it appropriate to set a September 25, 2018 deadline for the production of the requested information. MLC states that it needs the financial documents in order to prepare for depositions, and the non-expert discovery cutoff is December 14, 2018. Based upon Micron's

1 representation that it has already committed to producing documents by September 25, it should
2 not be burdensome to set that date as a firm deadline. Finally, although it appears from the
3 parties' letter brief that they did not meet and confer in person regarding the requested September
4 25, 2018 deadline, the parties did meet and confer in person after the July 20, 2018 case
5 management conference, and discussed when Micron would produce its responses to MLC's
6 discovery requests. In light of that meeting and the parties' subsequent correspondence on the
7 topic, the Court finds that the parties have satisfied their meet and confer obligations.

8 Accordingly, the Court directs Micron to produce by September 25, 2018, documents
9 (such as spreadsheets) showing sales, revenue, cost and profits for Micron's multi-level cell and
10 triple-level cell NAND flash products sold between August 12, 2008 and June 9, 2015, including
11 products sold in that period corresponding to Micron Design IDs 152a, 163b, 172a, 173a, 174a,
12 183a, 184a, 184c, 185a, 185c, 195b, b75a, and n85a.

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14 **IT IS SO ORDERED.**

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16 Dated: August 20, 2018

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19 SUSAN ILLSTON
20 United States District Judge
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